

REMARKS/ARGUMENTS

In the Office action dated January 19, 2006, the Examiner finally rejected claims 7 and 8, the only claims in this Application, under 35 U.S.C. § 103(a), as being unpatentable over U. S. Patent No. 5,319,867 to Weber in view of Applicant-supplied document entitled "PORON 90, The Ultimate in Cushioning."

In the Specification, no changes

In the Claims, claims 7 and 8 are amended. New claims 9 and 10 are presented

The Invention

The invention is a shoe insole which incorporates a low-rebound cushioning layer and a moisture wicking fabric material.

The Applied Art

The Technical Report for PORON 90 describes the material Applicants use for the low-rebound cushioning layer of their invention.

U. S. Patent No. 5,319,867 describes a multi layer shoe insole which reduces transfer of static electricity.

The Claims

Claims 7 and 8 have been amended more fully to define the cooperative relationship between the cushioning layer and the fabric layer. This relationship provides a unique insole which has cushioning characteristics not found in the applied art, nor in a combination thereof. The applied art shows the use of a PORON® product as a cushioning layer while 867 shows a shoe sole with a cushioning layer and a fabric layer thereon. There is no teaching nor

suggestion in either of the applied references or in a combination thereof of a cooperative relationship between the cushioning layer and the fabric layer to achieve the shock absorbing characteristics of Applicants' invention. The cooperative relationship of the components of Applicants' insole are set forth in the Specification, page 4, lines 12-22. The characteristics are further described on page 5 of the Specification and in the drawings figures.

None of the features of the fabric used by Applicants are described in '867, which describes exemplary fibre material in col. 4, lines 57-63. It is believed that one of ordinary skill in the art will recognize that these materials include stretchy and non-stretchy materials, that the material are capable of moisture wicking, but that the material are also rather slick, thus not capable of providing a wear surface having a low coefficient of friction. The precise distribution of any elongate, load distributing fibers is not known in '867, as that feature is not discussed, and while the specification requires that the conductive fibers comprise between 1% and 10%, the drawings show more conductive fibers than non-cellulosic fibers. The '867 specification does not disclose the orientation of any of the fibers relative to the long or short axes of the shoe sole. New claims 9 and 10 describe and claim the orientation of the fibers in the fabric layer.

In light of the foregoing amendment and remarks, the Examiner is respectfully requested to reconsider the rejections and objections stated in the Office action, and pass the application to allowance. If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact the undersigned.

Provisional Request for Extension of time in Which to Respond

Should this response be deemed to be untimely, Applicants hereby request an